

Fair Housing Laws

Montgomery County

Chapter 27 of the Montgomery County Code makes it illegal to discriminate in the sale or rental of housing on the basis of race, sex, marital status, physical or mental disability, color, religion, national origin, ancestry, presence of children, source of income, sexual orientation and age.

The Office of Human Rights (OHR) investigates and conciliates complaints filed under Chapter 27.

The Federal Government

The Fair Housing Amendments Act makes it illegal to discriminate in the sale or rental of housing on the basis of race, color, religion, national origin, sex, disability, or familial status.

The Department of Housing and Urban Development investigates and conciliates housing complaints filed under the FHAA. Persons who consider themselves to be victims of housing discrimination can file suit in Federal Court.

Related federal laws include:

- Section 504 of the Rehabilitation Act
- Americans with Disabilities Act
- Equal Credit Opportunity Act

The State of Maryland

Article 49B of the Maryland Annotated Code makes it illegal to discriminate on the basis of race, color, religion, marital status, physical or mental disability, national origin, sex, or family status.

The Maryland Commission on Human Relations investigates and conciliates complaints filed under Article 49B.

Real Estate Law (BOP, Section 16-526), forbids discriminatory practices by real estate brokers or agents, putting them at risk of losing their license. This law is enforced by the Real Estate Commission.

Fair Housing Laws

Title VII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act forbids discrimination based on race, color, religion or national origin in the sale, rental or financing of housing. In 1974, discrimination on the basis of sex was added. In 1988 Congress passed the Fair Housing Amendments Act that added people with mental and physical disabilities and families with children to the list of people protected by the Act.

The amended law requires many public and private owners, developers and operators of housing to change any policies and practices that exclude people with disabilities. Also, any new multi-family housing built to be occupied for the first time after March 13, 1991 must be architecturally accessible.

The 1988 amendments also created a stronger enforcement system, making it easier to file a complaint and to remedy discriminatory housing practices.

Chapter 27 of the Montgomery County Code, which according to federal law supercedes Title VII, extends the above protection to persons on the basis of their ancestry, source of income, sexual orientation and age.

To File A Complaint

Contact:

Montgomery County
Office of Human Rights
(240) 777-8450

U.S. Department of Housing
and Urban Development
1-(800) 669-9777

Maryland Real Estate Commission
(410) 333-6230

Maryland Commission on
Human Relations
(410) 767-8600

Language translation and alternative formats of this document are available upon request

MONTGOMERY COUNTY

Office
of
HR
HUMAN RIGHTS

110 North Washington Street
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Montgomery County, Maryland
Office of Human Rights

FAIR HOUSING FOR PERSONS WITH DISABILITIES

How to Recognize
Discriminatory
Housing Practices



Who is protected by Fair Housing Laws?

Fair Housing Laws provides protection from housing discrimination for housing applicants, tenants and buyers with any kind of disability. Whether it is a hearing or vision impairment, mental illness, physical disability, mental retardation, AIDS or HIV infection, epilepsy, cerebral palsy or any condition which substantially limits one or more major life activities.

If you use a walker or a wheelchair, or have an assistive animal or a personal-care attendant, these laws protect you against housing discrimination. You're also covered if you have a record of having a mental or physical disability or if you are regarded as having a mental or physical disability.

Who must comply?

Property owners, landlords, housing managers, real estate agents, brokerage service agencies and lending institutions must comply. The Fair Housing Laws cover both privately owned housing and housing subsidized by federal funds, such as low-income public housing.

Multi-family housing constructed for first occupancy after March 13, 1991 must comply with guidelines that make the complex adaptable for persons with disabilities. If the complex does not have an elevator, all first floor units must be adaptable. If there is an elevator, then all units on all floors must be built in compliance with the guidelines.

Adaptable features include an accessible route from the parking to the entrance to the unit; an accessible entrance into the unit; maneuvering space throughout the unit; light switches, electric plugs and environmental controls at specified heights; usable space in the kitchen and and bathroom, and reinforcements in the bathroom walls for addition of grab bars.

In addition, tenants must be able to access areas of public use, such as the rental office, laundry facilities, mail boxes, and recreational facilities.



REASONABLE ACCOMMODATION

Fair Housing Laws require that housing providers make reasonable accommodations in their rules, policies, practices or services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. Accommodations are "reasonable" when they're practical and feasible.

How can you get a reasonable accommodation?

You must request it. As the tenant, you have the responsibility to ask for an accommodation when it's needed.

How about assistive animals?

Any tenant who is in medical need of an assistive animal is protected even *if the housing development has a "No Pets" policy.*

Can you get reserved parking?

Persons with disabilities have the right to request that landlords reserve them safe and convenient parking in close proximity to their living unit.



REASONABLE MODIFICATION

When physical changes to your own unit are necessary to accommodate your disability, the landlord must let you make them, as long as they're reasonable.

"Reasonable" means leaving the unit acceptable, after you move out, to someone who doesn't need the modification you made. That

can either be because the modification itself won't bother the next tenant or because you will undo it when you leave.

As the tenant, you have the responsibility to pay for modifications made to your living unit. If the adaptations will effect the ability of the next tenant to fully use the living unit, you can establish an escrow account to pay for the removal of the adaptations when you move out.

Photo: National Education for Assistance Dog Services
<http://chamber.worcester.ma.us/neads>

Can you be asked about your disability?

NO! No matter why they're asked, questions about your disability are prohibited by the Fair Housing Laws. A landlord, property manager, seller or lender may not use an application form that asks if you have or have had a mental or physical disability or that seeks information about the nature or severity of your disability. You may not be asked to provide your medical records or to sign a document allowing others to see them.

What questions can you be asked?

As long as all applicants are asked the same questions, a landlord can ask for information to show that you can meet the same obligations as any other tenant, with or without a disability.

For example you can be asked:

- Questions about financial information to show if you can pay the rent or mortgage.
- For references about your history as a tenant.
- If you are willing to comply with the building's rules about such things as sanitation and no smoking in common areas.
- If you qualify for housing designated for people with a specific disability.

- If you are currently using drugs illegally.
- If you have been convicted of the illegal manufacture or distribution of a controlled substance.

Remember, the landlord can only ask you these questions if they are asked of all applicants. Asking these questions only of a person who has a disability violates the Fair Housing Laws!